

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

### EIGHTH DAY.

Senate Chamber,  
Austin, Texas.

Wednesday, January 21, 1925

The Senate met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

### Absent—Excused.

Bailey.	Wirtz.
Lewis.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

### Excused.

Senator Wirtz for today, on account of important business, on motion of Senator Holbrook.

### Executive Messages.

The Chair recognized the doorkeeper and received the following message from the Governor:

Executive Department,  
Austin, Texas, January 20, 1925.  
To the Honorable Thirty-ninth Legislature.

Gentlemen: In pursuance to my duties as Governor, I herewith pre-

sent for your respectful consideration the following matters pertaining to the condition of the State, needed legislation and the estimates of the amount of money required to be raised by taxation for all purposes, to-wit:

### State Finances.

From the best information obtainable from the office of the Comptroller and Board of Control, there appears to be a deficiency in general revenue in round numbers amounting to \$2,000,000 for the fiscal term ending August 31, 1925. There appears to be a reasonable expectancy that the revenue from the usual sources for the next two fiscal years ending August 31, 1927, might be in round numbers \$40,000,000. It then appears that there will be a probable net revenue for the next two fiscal years in round numbers \$38,000,000. The total requests made by all departments and institutions for maintenance during the next two fiscal years amount in round numbers to \$43,000,000. It then appears that the requests made for appropriations by the Legislature will exceed the probable revenue by \$5,000,000. It will be observed that these amounts are merely estimates, and in making appropriations the Legislature should bear in mind that said estimates have not been borne out in actual collections and probably in this we may find the cause of the present deficiency of \$2,000,000. To prevent a recurrence of another deficiency by this administration, business prudence should anticipate the total revenue at being not more than \$35,000,000, or ten per cent less than the usual estimate.

In my opinion, appropriations should be reduced to at least \$30,000,000, or at the outside not more than 35,000,000. In any event, in order to keep appropriations within constitutional bounds, the greatest care must be observed not to greatly anticipate revenues. The people are demanding that appropriations against the general revenue be kept within constitutional limits and I know your honorable body will be only too eager to respect that popular demand.

In order that we may know with some degree of certainty just how much money may be available for

special appropriations other than the actual obligations of the State, I suggest that the appropriation bills be taken up at once and disposed of. After this total is ascertained, we can safely make appropriations that will keep us within the limits of the constitution. I am so impressed with this duty to the people that I am constrained to say to your honorable body that I shall view with great disfavor any special appropriations made before the general appropriation bill is completed. In view of the present financial condition, I do not see how we can safely proceed in any other way.

#### Banking Department.

I find upon investigation that the Banking Department of the State is, to say the least, in a deplorable state of confusion. More than sixty banks are under special consideration by the department, and it will require the most careful attention and capable supervision before any improvement can be made. I invite the special attention of the Legislature to this department, and business prudence would not permit an extended discussion of the State banking condition in this message.

#### Insurance Department.

There appears to be considerable misunderstanding as to the powers of the insurance commissioner and it will probably be necessary for the Legislature to give further consideration to changes of the law governing this department. It is a matter about which there is a great difference of opinion as to whether the fire rating board in this department is of any benefit to the people of the State. The object of creating the fire rating board was to give the people some relief against high insurance rates. After several years of operation, fire insurance rates have not only not been decreased, but have increased, and the cause for the original demand for the creation of this board has not been realized. In my opinion, the fire rating board should be abolished. But as there is so much honest difference of opinion about the matter I invite the special consideration of the Legislature to whatever procedure is necessary to meet the demands of the insuring public.

#### Game, Fish and Oyster Department.

The importance of the Game, Fish and Oyster Department has grown by leaps and bounds in the last ten years. It is necessary to protect our wild game before it might become too late. The same of course, is true of our fish and oyster supply, obtained from our coast waters and the lakes and streams throughout the State. There has sprung up in Texas what is known as the "Izaak Walton League," an organization having for its high purpose the preservation of our game, fish and oyster supply, and the prevention of the pollution of our streams. This organization is purely patriotic, and I am glad to express appreciation in an official way of the work of this great body.

I shall endeavor to promote the Game, Fish and Oyster Department along the lines of efficiency and economy.

#### The Adjutant General's Department.

The Adjutant General Department is the strong arm of the State government for the protection of the people in time of war and enforcement of law in time of peace. However, it must operate along constitutional lines, and in accordance with law. The Adjutant General of the State, under the direction of the Governor, commands the National Guard, composed now of some eight thousand men. The maintenance of this organization is borne largely by the national government, and under its authority the national government furnishes the greater part of all equipment and supplies. Suggestions have been made that the State ought to furnish better housing facilities for the property and equipment furnished by the national government for the use of the State. This calls for some reasonable appropriations for the construction of armories to be made by the State and located at different places in the State. While the State's financial condition would not permit of an extended program for this purpose, yet, I recommend that some reasonable appropriation be made for that purpose.

The ranger force, which is a part of the Adjutant General's Department, will be reorganized, and I see no reason why the number of rangers now being maintained should not be reduced. The activities of the ranger force in a general way will be through

a plan of co-operation with the sheriffs and other local officers of the State. The Constitution makes the sheriff the custodian of the public peace, and the dignity of the law in the respective counties, and unless there is some flagrant disregard of this official duty by the sheriff, rangers should not be arbitrarily sent to any section of the State to perform the duties of the sheriffs and local officers of any county. At this time, when so much is being said about law enforcement, I think it would be a fine idea if the people of the respective counties will begin to interest themselves in a public discussion of the enforcement of the law. In the last analysis, it must be understood that no law can be enforced without the substantial co-operation of the citizenship in any locality, and the law can be enforced if a substantial majority of the people will, in some unmistakable way, impress their desire upon their local peace officers and extend to them an active co-operation. If the people show no concern about the enforcement of law, they need not be surprised if violations of the law become frequent and flagrant. No matter how many oaths they take and how many promises are made, in the last analysis, public officers are going to enforce laws only in proportion to popular demand for such enforcement.

At this time, however, it must be apparent that we have in Texas too many robberies, too much murder, too much violation of our liquor laws, too much violation of our speed and motor vehicle laws, and if any improvement is to be brought about, the people must realize that they have a duty to perform. Let every good citizen begin to set example by obeying the law and realizing that the law was made for him just the same as the other fellow. Until this is done, all the rangers and all the sheriffs with the national guard thrown in can not hope to bring about a better enforcement of law.

I especially suggest that the laws against murder and robbery and excessive speed and the illegal sale of liquor be strengthened in a legislative way. I especially call your attention to the fact that our State Convention has demanded the passage of a law putting the bootleg drug store out of business in Texas, and I trust that the Legislature will realize the necessity for severe pun-

ishment of this class of our citizenship who uses the cloak of the law to defeat the real purpose of the law.

#### Cattle and Tick Eradication.

There is no industry in the State of Texas that needs to be fostered and encouraged more than the cattle industry. Whatever achievement Texas may finally make, whatever glory she may attain, whatever development we may accomplish will be the result of a foundation laid by the cattle business and the cattle pioneers of former days, who blazed the way for our civilization. In addition to this, nature has laid out in Texas broad and expansive territory suitable only for the growing of livestock of all kinds. Therefore, let it not be understood that because of temporary troubles and difficulties that Texas must yield its supremacy in the growing of livestock to any state or nation. That the cattle business must undergo a revolution of ideas of conducting the business must be evident to every one. There is no greater duty or greater opportunity for governmental activity than the passage of laws which will protect and encourage the raising of livestock of all kinds.

Most of the difficulties incident to the raising of cattle is the matter of combatting the ravages of the fever tick. Eradication of ticks has been quite successful in certain areas of the State where altitude and climate are helpful to extermination of the awful pest that afflicts cattle and horses. As we move further south where the climate is warmer and the surface of the country is broken and brushy, it has proven more difficult to exterminate the tick. There are many experienced and scientific cowmen who doubt very much whether the tick can be eradicated in South and East Texas. Whether this theory is correct or not there has been so much advantage and profit to the cattle industry by the eradication of the tick in some localities that it seems highly necessary and proper that further tick eradication activities should be continued until it is determined just what can be done. But in pursuing this course no unreasonable or arbitrary and oppressive method should be adopted and in considering this question we must not forget that

already quite a number of counties have spent large sums of money and many have exhausted their general fund in an honest attempt to eradicate the tick but really have accomplished no tangible result. The scientific theory that ticks can be eradicated completely and permanently may be correct but that does not dispose of the fact that it takes time and money and system to accomplish the purpose. Let us get it out of our heads that we can kill ticks by resolutions and loud talk on fine spun theory.

In those sections and districts of the State where the people have successfully accomplished tick eradication the people deserve great credit and every effort should be made to perpetuate their labors and to protect their herds from re-infestation of the fever tick. But to accomplish this it must not be forgotten that under the law and decision of the courts they have no real protection at this time and some additional legislation must be had to prevent loss to these stockmen who have spent so much time and money to relieve themselves of the tick. There is really no enforcement remedy now on the statute books that will prevent tick infested cattle from being held and kept in any of the supposed clean counties of the State.

It was with these ideas in mind and the difficulties existing that I thought it necessary to call recently a meeting of stockmen, county officers and taxpayers interested in tick eradication, for a general conference in the city of San Antonio. This meeting was largely attended by representative men from all over the State. After a full discussion lasting two days, it was decided that in view of the financial condition of the State it would not be possible for the State to continue tick eradication in all parts of the State infested with the ticks. It was finally agreed at this conference that tick eradication in east Texas at the present time was impracticable. It was then thought best by the meeting to recommend to you, the Legislature, that tick eradication should be continued by the State south and west of the Colorado River. Beginning first with the tier of counties lying immediately west of the Colorado and continuing the work towards the Rio Grande in all the counties as fast and as quickly as possible. Since that meeting

there has been considerable criticism of the fact that the recommendation only covered a few counties instead of the entire State. The reason for this recommendation by the San Antonio meeting was the cold blooded fact that this State and many of the counties have not funds available for this work and will not have for some time to come. The beginning with a few counties at a time is not new or novel. Let those who live in the clean areas and who are disposed to criticize the San Antonio recommendation remember that it was in this way, beginning a way up in the Panhandle and coming south a few counties at a time that tick eradication has been accomplished in as much territory as it has. And it must be apparent that if tick eradication can not be made successful in a few counties at a time it would be unreasonable to think that it could be carried on all over south and east Texas at the same time.

In order to protect the counties now supposed to be free of ticks the San Antonio meeting recommended that the right of local option be given to each county and that drastic legislation be passed preventing the driving or transporting of cattle into any county that has voted tick eradication and had freed itself from the ticks under supervision from the Federal Government and the State Livestock Sanitary Commission. It is claimed by some that this remedy is not effective. Maybe it is not but it is certainly better than the protection that now exists to protect these clean counties and perhaps is the best that can be done.

I hope the Legislature will give serious consideration to the matter of tick eradication because it involves millions of dollars already invested and involves many more millions that may be added to the wealth of our citizenship, by its solution. This administration is wedded to no particular theory or plan but desires to co-operate to the fullest extent in working out some satisfactory plan that will protect the interest of all parties concerned.

#### Penitentiary Matters.

I have recently had an investigation made of the condition of the prison system of the State and I find that on January 9, 1925, there were 3,596 prisoners confined under jurisdiction of the prison commission.

More than 3,100 of these prisoners are employed on the sixteen farms of the State. The remaining number are confined at the headquarter prison at Huntsville, being 462 in number. Recently, Governor Neff, with the assistance of the prison advisory board, has established what is known as an honor farm where prisoners with good records are permitted to do their work without the restriction of guards. While the idea is yet in its infancy and the final result cannot now be foretold, yet in view of the high purposes of humanity on the part of Governor Neff and the Board establishing State farms, it is my opinion that the farm should be continued until such time as reason and discretion will require its discontinuance. An incentive for good conduct and efficiency should be extended to the prisoners in the State penitentiary. For this reason I shall appoint a Board of Pardons for the hearing of all applications for executive clemency that may be presented. In addition to this, I shall expect of the Board of Pardons to be appointed, a careful investigation of all the facts surrounding the conviction and confinement of prisoners in the penitentiary in order that it may be definitely ascertained if any prisoner is being detained contrary to the laws of the land or the rules of right and justice. While I shall adopt a most liberal policy in the matter of pardons, at the same time such pardoning powers as are vested in the Governor will be exercised largely upon consideration of the physical condition and the record of convicts now confined in the penitentiary. I trust that applications for pardon will be based largely upon these causes rather than upon supposed political influence or loyalty in political campaigns. I suggest that the Legislature consider the passing of some law that will as a matter of right give an automatic reduction in sentences where the convict has made a good, efficient and obedient prisoner.

In order that every inducement may be extended for efficiency and reformation, a law should be passed making every prisoner, regardless of the length of sentence, eligible for conditional pardon after fifteen years of continuous good behavior and efficient service. The term of fifteen years may be open for discussion but by precedent more or less recognized

by every Governor in Texas for forty years this period of time has been recognized as the proper time. The virtue of the law would be in making certain to the prisoner a reward for efficiency and obedient service.

I suggest that the Legislature also consider the matter of confining no prisoner in the penitentiary who has a sentence of less than two years. They can be worked on the county roads at less cost to the State.

There may be some difference of opinion as to the mode of punishment but it must be borne in mind that all punishment cannot be abolished and there must be retained in the power of the Commissioner some mode of punishment that will be effective and persuasive, but of course humane, as well. The prison system has had an unsuccessful experience for the last five or six years and perhaps more than \$3,000,000.00 has been lost in its operation in that time. No doubt, mistakes have been made and many things that have worked injuries to the system have occurred which were unavoidable and no good purpose can be served in again recurring to these mistakes unless it be in the consideration of some remedy that would prevent that their occurrence in the future. While the physical condition of the system can be made very much better, yet as a matter of fact aside from the financial condition of the system there is a fairly good condition existing in the prison system. Many irregularities will have to be removed and some changes will have to be made but so far as I have been able to ascertain the Commissioners, Captain Herring and Captain Sayle, whose terms will run concurrent with my administration, appear to be working for the best interest of the system and they have given generous assurance that they will in every way possible co-operate with my administration and the Commissioner appointed by me. With this spirit prevailing and their continued co-operation let us hope for the best.

Under the law, the prison commissioners are required to reside at Huntsville and the financial affairs of the system are transacted there. Huntsville is seventy-two miles north of Houston. Schedules and conditions of roads make it inconvenient as well as difficult to go from Houston to Huntsville in any reasonable time. Nine of the farms now operated by

the system, composing four-fifths of the entire farming operation of the system, are west and south of but easily accessible to Houston. In my opinion, the law should be so amended permitting the residence in Houston of at least two of the three commissioners who are now required by law to live at Huntsville. It might be well also to permit the removal of the business office of the system to Houston.

The Shaw farm, consisting of some 4,300 acres, is situated in Bowie County on the extreme north boundary line of the State and far removed from the other part of the system. Permission should be given by the Legislature permitting the sale of this farm, as its remoteness makes its successful operation problematical.

The financial condition of the system is not inviting at least. On January 9, its financial statement was as follows:

(Statement of cash on hand, resources from which cash will be received, and liabilities for accounts, notes and land bonds of the Texas Prison System).

Cash on hand at the close of business January 9, 1925 .....	\$196,679.27
Due for cane sold 1924-25 season .....	54,277.41
Due for seed sold .....	1,732.00
Due for seed sold .....	3,100.00
Due for corn sold .....	762.41
176 bales cotton on hand, estimated value .....	20,240.00
<b>Total .....</b>	<b>\$276,791.09</b>
<b>Land bonds, which matured January 1, 1925, which have not been presented for payment .....</b>	<b>\$ 36,032.80</b>
<b>Notes executed in settlement of accounts, payable on or before November 1, 1925, bearing interest at the rate of 6 per cent per annum .....</b>	<b>149,554.88</b>
<b>Open accounts unpaid .....</b>	<b>33,707.32</b>
<b>Total .....</b>	<b>\$219,295.00</b>

From the foregoing it will be seen that the system has in reality an operating balance of only \$57,496.09. As it takes something like \$100,000.00 a month to operate the system, by the time these lines are read to your body the prison system will be on a deficiency basis.

The system is now having to buy its supplies on time and there is quite a saving to be made by paying cash for its purchases. A saving of 25 per cent can be affected. The system will need between now and the time the current crops begin to go to market at least \$600,000.00. If this amount was available a saving of 25 per cent can easily be affected, or a total gain to the State of \$150,000.00. This money can be obtained in one or two ways. Permission can be granted to the commission to execute a chattel mortgage upon its current crops and livestock or the Legislature can make any emergency appropriation.

I submit this matter for your prompt, as well as serious, consideration in order that the saving may be made.

#### State Highway Department.

In volume and magnitude, the State Highway Department now is the biggest business institution of the State Government. Under its supervision something like \$40,000,000 was spent during the year 1924. The whole nation has become aroused to the advantage and necessity of building roads. The idea has become an inherent part of our civilization. The preponderance of thought up to date has been along the lines of connected highways and most of our development has been in that direction. This is as it should be, but now that much progress has been made in that direction, it is evident that some special attention should be given to the idea of building lateral roads to intersect the connected highway system in order to bring the rural districts into closer touch with the rest of the world and for the special cause of enabling the products of the farm and the ranch to be transported promptly and conveniently to the main arteries of commerce, the railroads, for transportation to the markets of the world. The idea of the road from the farm to the mill is the foundation principle upon which our great road system must finally rest. The road is the medium by which the producer and consumer come together, and this, perhaps, is the reason why the demand for roads all over the nation seems insistent.

It is estimated that the State Highway Commission will have revenues for 1925 amounting to approximately

\$15,000,000, \$4,500,000 of which is represented by Federal aid. Already, there have been contracted and allotted for construction purposes for the year 1925 some \$9,500,000. It is estimated that it will take \$6,500,000 to maintain the State highways now under the control of the Highway Commission. Thus it will be apparent that the funds for the year 1925 have been contracted, and this administration will find itself greatly hampered for funds for new construction. So, if those who are expecting State aid from this administration, for new projects, are not able to obtain it from the Highway Commission, then, the reason will be apparent.

The manner of obtaining funds to construct and maintain the public roads in Texas is a matter of serious consideration for this Legislature. Recently I called a meeting in Dallas, Texas, of county officers, taxpayers, automobile men and the public in general for the purpose of discussing the matter of how best to raise funds to construct and maintain roads in Texas. This meeting was widely attended by representative people from all parts of the State. After two days discussion it was decided that there should be a change of the present law in order that a more equitable basis of division and distribution of the funds raised by taxation for construction and maintenance of roads could be had. It was thought best to levy an average tax of \$6.00 on each motor vehicle in Texas and all of the funds derived therefrom should be retained by and remain in the counties collecting the same, and said sum when so collected to be used by said counties in maintaining and constructing their lateral roads. This would give the counties something like \$1,500,000 more for their local purposes than is allowed by the present law.

Then it was recommended that the Legislature levy a tax of three cents a gallon on all sales of gasoline in the State. It is estimated this tax would produce a minimum amount of \$12,000,000 and as the matter of public roads is so vitally connected with public schools it was recommended that one-fourth of the gasoline tax be turned into the common and county school fund to be used in such manner for that pur-

pose as may be provided by law. With the growth of the sale of motor vehicles it is estimated that said \$12,000,000 would be the minimum amount derived and there would perhaps be a much larger amount received for the next fiscal year ending August 31, 1927. The reason, of course, for the tax on gasoline was with the idea that those who use the roads the most should pay the most, which is but just and fair. In addition to this, it is estimated that 250,000 cars from other States come into Texas each year and use our public roads and pay nothing for their use. By the tax on gasoline it is estimated that at least \$1,000,000 now paid by our own people would be paid by outside owners of cars who come into the State and use our roads for pleasure and business purposes.

In the building of public roads it appears that we have not paid enough attention to the necessity of building permanent roads and too much money has been spent on temporary construction. The building of four-year roads with forty-year bonds is unfair to our posterity and should cause us to adopt a better policy.

#### Education.

Education has made us all we are and all we expect to be. The desire to extend the privileges of education to everybody is the noblest impulse of the human mind. How to accomplish this, the greatest of all human hopes, is an ever vexing problem. We can not boast of any degree of civilization with 300,000 people in Texas that cannot read and write. The Constitution of our State provides that we must have at least a six-months school for every child in the State. It also provides that we must have a university of the first class. By the law we have also established State teachers' colleges, the A. & M. and its allied branches, the College of Industrial of Arts and the West Texas School of Technology. With all of these schools on our hands it must be quite evident that we ought not to think of establishing any more schools, but to properly develop and foster those already provided by law. So believing, I shall look with disfavor upon the establishing of any additional school during my administration.

The question of buildings for the State schools is a recurring problem that comes before every State Legislature. The demand has come from all the State schools for a building program involving over \$11,500,000. This amount, of course, is excessive and is not within the power of the State to pay, but at the same time there is a demand for buildings for these different State institutions which must be met.

To relieve the general fund which should be used for current needs of this enormous demand for buildings, I suggest that you, by proper legislative act, impose a tax on factory-made cigarettes and cigars for which, for the lack of a better name, I shall designate "The Educational Tax." I suggest that a tax be levied on cigars, increasing in proportion to price from \$5.00 per thousand to \$20.00 per thousand, and upon factory-made cigarettes of tobacco, or for any substitute therefor, a tax of \$2.00 per thousand. There are in Texas more than two million people who smoke manufactured cigars and cigarettes. At the lowest calculation, this tax would produce \$4,000,000 a year for the educational tax. It would not work a hardship on anybody and the people who smoke generally are a liberal, fair-minded and patriotic people and I am sure they would only be too glad to assist in this worthy cause by the tax upon the luxurious privilege of smoking. This tax being so widely distributed among so many people would not be an increase in taxes upon anybody or any business in any great amount. Arrangements can be made for the collection of the tax at a nominal sum. The State can provide stamps for sale to wholesale dealers and manufacturers of cigars and cigarettes and enforce the placing of the proper stamp upon each package offered for sale by the enactment of proper penalties for failure to do so. If anybody should object to this tax, they can reduce the amount they have to pay in a very simple manner. For instance, if a bright young man is now smoking ten cigarettes a day, selling for twenty cents a package, he would pay a tax of two cents per day on his purchase of twelve cents, including the tax. If a high-toned gentleman of society smokes two ten-cent cigars per day, he would also pay a tax of two cents

each day. Now, if either of these smokers are not interested in the great cause of education, all they have to do to relieve themselves of the tax would be to cut out smoking until such time as their desire for smoking would overcome their opposition to education; but I dare say this will never occur, because the man who smokes is generally the most liberal man in the community.

With the \$4,000,000 thus derived each year, by the lowest estimate, we can meet the demand for educational buildings and do something more for the common and country schools at the same time. It seems to me that a fair way to distribute this \$4,000,000 would be to give one-fourth, or \$1,000,000, to the University and its allied branches, one-fourth, or \$1,000,000, to the A. & M. College and its allied branches, one-fourth, or \$1,000,000, to the State Teachers' Colleges, the College of Industrial Arts and the West Texas School of Technology and the remaining one-fourth or \$1,000,000, to the common and country schools. If the taxes yielded more than \$8,000,000 in two years it would be apportioned in the same way. It is not to be overlooked that the collection of this tax would relieve the general funds new burdened with this insistent demand for buildings and for special aid to the common and country schools. It would eliminate the necessity of issuing bonds by the University and the permanent University fund established by our forefathers would be left intact. If it was thought necessary, a certain part of the tax going to the country and common schools could be used to build so many country high school buildings every year in different parts of the State. The plan which I have suggested may be improved upon in some detail but I have taken the liberty to make this novel suggestion simply because the State must in some way meet the question of building for educational purposes.

I invite the serious consideration of this idea.

#### The Insane.

Always with feelings of sadness are we confronted with the ever increasing number of the helpless insane. There are now in the jails of Texas hundreds of insane people.



awaiting admission into some proper asylum where under careful treatment over half of them can be restored to health and mental vigor. I suggest that you make provision for the establishing of another insane asylum, costing at least \$500,000, and to be located some where in West Texas, easy of access. The vicinity of Sweetwater, in Nolan County would not be a bad place for the location of such an institution now so imperatively demanded.

#### Platform Demands.

You, gentlemen of the Legislature, meet at an auspicious time and under auspicious conditions. Texas has just gone through one of the most eventful political campaigns in the history of the State. The issues were clear and unmistakable. The Democratic party in convention assembled adopted a platform setting forth the verdict of the people in the last election. I know that you gentlemen of the Thirty-ninth Legislature will find pleasure in carrying out those platform demands in the fullest measure and it is a pleasure likewise to me to pledge my best efforts to aid you in this important undertaking. Impelled by noble desires to serve your respective constituencies, I bid you God speed in your labors.

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor.

#### Text of John W. Davis' Speech Before the Ohio Valley Trades and Labor Council on Child Labor Amendment.

On motion of Senator Murphy, the following is here printed:

It is the business of the schools to turn out free citizens of the Republic, and not merely docile human machines. And if we open wide by education the door of opportunity to the child, we owe it to him to see that human greed does not close it again. It is a blot upon our good name that child labor should be permitted anywhere in the United States to dwarf the minds and bodies of the future citizens of the Republic. To stunt the growth of a child in his most critical years, to rob him of his opportunity for education and make him a juvenile drudge for mere purposes of profit is a crime against the future of the race.

#### For Child Labor Law.

Of course the several states can and they should prevent this thing; I would not wish that power taken from them. When Congress passed, in 1916, its first child labor law, however, it became my duty, as Solicitor General, to argue in its favor before the Supreme Court of the United States. I urged in its support that unless a uniform standard was adopted throughout the United States, the states that wished to legislate against child labor would be deterred because of the economic disadvantages they would suffer in competition with their less progressive neighbors. I called attention to the fact that for like reasons more than one international conference had been called to bring about equality among the nations on similar subjects. The reasons which I put forward in support of the law of 1916 seem to me still to obtain and lead me now to favor the ratification of pending child labor amendment. Responsibility for decision on that subject now rests with the states themselves, but were I a member of a state legislature my vote would be cast to ratify the amendment.

#### Simple Resolution No. 15.

By Senator Hardin of Kaufman:  
Whereas, Her Excellency, Miriam A. Ferguson, is now the Governor of Texas, duly elected by the people of the State, and

Whereas, In her campaign for election the said Miriam A. Ferguson declared to the people of Texas that the principal reason for her candidacy was, that the judgment of impeachment against her husband, James E. Ferguson, might be removed and that the name of her family might be vindicated, and

Whereas, the verdict of the people of Texas was in her favor, and may be fairly and reasonably interpreted as an expression of their will, that the judgment of impeachment against her husband be removed, therefore be it

Resolved by the Senate of Texas, That the judgment of impeachment against the said James E. Ferguson should be and of right ought to be set aside, and that all disqualifications incident to that impeachment be removed; and be it further

Resolved, That the President of the Senate be, and he hereby is, empowered to appoint a committee of three members of the Senate whose duty it shall be to inquire and report back to the Senate as to what steps will be necessary in order to accomplish the purpose herein expressed.

The above resolution was read, and Senator Hardin of Kaufman moved that the consideration of the resolution be made a special order for Monday morning, and

Senator Floyd moved, as a substitute, that the date for consideration be made for Wednesday morning.

The substitute motion was adopted.

#### **Bills and Resolutions.**

By Senator Parnell:

S. B. No. 83, A bill to be entitled "An Act regulating the manner in which all cities and towns in Texas of a population of more than one thousand (1,000) inhabitants, whether incorporated under the General Laws of Texas or operating under a special charter, owning and operating a public utility or, any public utilities, shall operate and manage, and appropriate and expend the income from such utility or utilities, providing that the income from the operation of one public utility where more than one is operated shall never be applied to pay any part of the operating expense and maintenance, insurance, depreciation nor interest nor sinking fund of any other public utility, so owned and operated; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Parnell:

S. B. No. 84, A bill to be entitled "An Act to adopt and establish the Revised Civil Statute of the State of Texas."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Holbrook:

S. B. No. 85, a bill to be entitled "An Act providing for the development and improvement of navigation of the inland and coastal waters of this State pursuant to Section 59 of

Article 16 of the State Constitution; providing for the preservation and conservation of inland and coastal waters of this State under said constitutional provisions; providing for navigation districts; providing for the raising of the necessary funds, the issuance of bonds, and the levying and collection of necessary taxes for such purpose; providing all things necessary and incident to such purpose and subject."

Read first time and referred to Committee on State Affairs.

By Senator Bowers:

S. B. No. 86, a bill to be entitled "An Act to amend Articles 7315 to 7324 inclusive of Chapter 8, Title 124, Revised Civil Statutes, 1911, as amended by Chapter 169, General Laws, passed at the Regular Session of the Thirty-third Legislature, as amended by Chapter 111, General Laws, passed at the Regular Session of the Thirty-fourth Legislature, as amended further by Chapter 60, General Laws passed at the Regular Session of the Thirty-fifth Legislature, and as further amended by Chapter 10, General Laws, passed at the Fourth Called Session of the Thirty-sixth Legislature, all of which relate to the Livestock Sanitary Commission by adding seven sections thereto, providing that under certain conditions and regulations, cattle may be shipped, carried or driven from one point to another within the State of Texas, and adding penalties."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Hardin of Erath:

S. B. No. 87, A bill to be entitled "An Act to amend road laws for Bell County that the same may hereafter read as follows: 'An Act providing more efficient road laws for Bell County, conferring on the Commissioners' Court of Bell County control of all roads, bridges, drains, ditches, culverts and all works incident to same; providing for the adoption of rules governing same, their alteration or amendment; providing for the abolishment of the office ex-officio Road Commissioner, and prescribing the salaries of the commissioners; fixing the time of meetings of the Commissioners' Court, and declaring the same cumulative; permitting the County Commissioners; pro-

viding for the manner of purchasing materials and supplies, and of making contracts where the amount is over Fifty (\$50.00) Dollars and less than Five Hundred (\$500.00) Dollars; providing for the acquiring of lands for roads and drainage by condemnation or otherwise; providing for the proper drainage and maintenances of railway rights of way; providing for the referring of petitions for new roads to the County Commissioner of precinct before action is taken; authorizing the employment of all necessary labor, teams, wagons, and clerical help, and providing payment therefor; providing for road or ditch crossings wherever necessary, and the acquiring of land for same, providing for roads sixty (60) feet wide; authorizing the appointment of a County Highway Engineer, Road Superintendent and Assistant Engineer and other Assistants, regulating the working of convicts, exempting all persons from road work and abolishing the office of road overseer, defining the word "road"; providing for the investment of sinking funds; prohibiting the blockading of county roads by trains, etc., and providing a penalty; prohibiting any county officer to be interested in any county contract; providing road fee and number days to work for man and team; declaring this Act cumulative; providing for the construction by the Courts, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Murphy:

S. B. No. 88, a bill to be entitled "An Act to amend Article 3903, Revised Civil Statutes of 1911, as amended by the Acts of the Thirty-seventh Legislature at its Regular Session, Chapter 96 of the General Laws, relating to the appointment and compensation of deputies and assistants of certain district and county officers and providing for appointment and compensation from county funds of special deputy district clerks in counties of two hundred thousand population or more and containing a city of over one hundred and sixty thousand inhabitants and in which counties there are more than one district court, so as to provide additional compensation upon

approval of the commissioners' court upon certain conditions and after certain length of service and providing for payment from fees of office only and repealing all laws in conflict herewith."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Pollard:

S. B. No. 89, A bill to be entitled "An Act to create the Golden Consolidated Independent School District in Wood County, Texas, including the present Golden Independent School District, the Cottonwood Common School District; the Ayer Common School District, and the Bellefonte Common School District, describing said district created by metes and bounds, providing a board of trustee therefor, vesting said school district and board of trustee with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas, providing for an election to determine whether or not said district shall assume and pay outstanding bonds of the territory therein embraced and levy a tax therefor, providing for the establishment of elementary schools within said district, and the establishment of high schools in said district, providing for a district superintendent of said district, giving said district the taxing and bonding powers as provided for in the laws of the State relating to independent school districts, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Berkeley:

S. B. No. 90, A bill to be entitled "An Act to exempt the county of Culberson from the provisions and operations of Article 7256 to 7304 inclusive of Chapter 7, Title 124, of the Revised Civil Statutes of 1911, relating to the inspection of hides and animals; repealing all laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Pollard:

S. B. No. 91, A bill to be entitled "An Act abolishing the Markets and Warehouse Departments and the Weights and Measures Department, conferring all authority, powers, duties, functions, rights, and liabilities of the Commissioner of Markets

and Warehouses and of said Markets and Warehouse Department and Weights and Measure Department upon the Commissioner of Agriculture; abolishing the board, consisting of the Governor, Commission of Agriculture, and the Commission of Insurance and Banking, created by Chapter 5, General Laws of the Second Called Session of the Thirty-third Legislature, and vesting the powers and duties of said board in the Commissioner of Agriculture; conferring the powers and duties of the Banking and Insurance Commissioner, relative to warehouse, upon the Commissioner of Agriculture, except such as are conferred by Chapter 3, General Laws, Second Called Session of the Thirty-third Legislature, conferring powers and authority upon the Commissioner of Agriculture to administer the provisions of Chapter 5, General Laws, Second Called Session of the Thirty-third Legislature, Chapter 41, General Laws, First Called Session of the Thirty-first Legislature, and Chapters 116 and 126 of the General Laws, Regular Session of the Thirty-sixth Legislature upon the Commissioner of Markets and Warehouses by Chapter 22, Acts of the Regular Session of the Thirty-seventh Legislature, and Chapter 38, Acts of the Second Called Session of the Thirty-eighth Legislature, or so much of said statutes as are in force; transferring the appropriations of the Markets and Warehouse Department and the Weights and Measures Department to the Commissioner of Agriculture, authorizing said Commissioner to re-arrange salaries and eliminate duplicating offices or positions, and declaring an emergency."

Read first time and referred to Committee on Agricultural Affairs.

By Senator Wood, by request:

S. B. No. 92, A bill to be entitled "An Act amending Article 3871 of the Revised Civil Statutes of 1911 as amended so as to increase the compensation of county tax assessors; repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Triplett, by request:

S. B. No. 93, A bill to be entitled "An Act creating establishing out of territory now embraced in the Counties of Montgomery, Liberty and Harris, in the State of Texas, a new county to be known as Cleveland County

containing a superficial area of of not less than seven hundred (700) square miles; appointing commissioners necessary for the organization of said new county; providing for the division of said county into commissioners and justice precincts; providing for the name of each of same; providing for the holding of county and special elections for the election of county and precinct officers; providing for the designation of the county seat of said new county of Cleveland; providing for the attaching of said county of Cleveland to Judicial, Representative, Senatorial, Congressional and Supreme Judicial Districts; providing for the assessment and collection of taxes for the defraying of expenses of organization and for the payment of the proportion of liabilities of the counties of Montgomery, Liberty and Harris, as now constituted, chargeable, respectively, on the territory taken from them; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Counties and County Boundaries.

By Senator Murphy:

S. B. No. 94, A bill to be entitled "An Act authorizing legislative bodies of incorporated cities and towns to provide for the promotion of health, safety, morals and general welfare of the community; to regulate and restrict the size, kind and character of buildings; the dimensions of lots, yards, etc.; the density of population and the location and use of buildings for trade, industries, residences, or other purposes; providing that said municipal legislative bodies may subdivide the municipality into districts to carry out the purposes of this Act, and within such districts to regulate construction and alteration of buildings, and the use of land therein contained to facilitate the adequate provision of transportation, water, sewerage, schools and parks, and to promote the health and general welfare; providing the method of procedure whereby such legislative bodies shall establish regulations and restrictions to carry out the purpose of this Act; providing the manner and method of making changes in such regulations and restrictions; providing for the creation of a zoning commission and defining its powers and duties; prescribing

the remedy to be pursued in case of violation of this Act or any ordinance or regulation made under authority conferred thereby; describing the manner of construing this Act with relation to other laws, ordinances and regulations; providing for the repeal of laws or parts of laws in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Murphy:

S. B. No. 95, A bill to be entitled "An Act to regulate the platting and subdivision of land and the sales of small lots of land in cities and towns and within three miles thereof; requiring the approval of plats by the city or town; providing penalty for the sale of land without such approval; prohibiting the recording by the county clerk of deeds and plats without the approval by city or town, and prescribing penalties therefor; providing that all laws or parts of laws in conflict therewith are thereby repealed; and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Hardin of Erath:

S. B. No. 96, A bill to be entitled "An Act to provide power in the Commissioner's Court of Bell County, to pay office rental on telephones and telephone calls for county officers where telephones are used for county purposes or for district officers, and all telephone calls in the discharge of the State and county business and authorize the commissioners' court to furnish stamps, and certain books, blanks, etc., and pay the same out of the general fund, and create an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Stuart:

S. B. No. 97, A bill to be entitled "An Act to amend Article 4712, Chapter 1, Title 71 of the Revised Civil Statutes of Texas of 1911, providing for the investment of surplus money of insurance companies; and also to amend Article 4734, Chapter 2, Title 71 of the Revised Civil Statutes of Texas of 1911, prescribing and defining the securities in which the funds of life insurance com-

panies may be invested; and also to amend Article 4776, Chapter 3, Title 71 of the Revised Civil Statutes of Texas of 1911, defining "Texas Securities" in which the "Texas Reserves" of foreign life insurance companies doing business in the State of Texas must be invested; and also to amend Article 4811, Chapter 6, Title 71 of the Revised Civil Statutes of Texas of 1911, defining and prescribing the character of securities in which cooperative life insurance companies organized under the laws of Texas may invest their funds."

Read first time and referred to Committee on Insurance.

By Senator Davis:

S. B. No. 98, A bill to be entitled "An Act making an appropriation to carry into effect the provisions of Chapter 41, General Laws of the First Called Session of the Thirty-seventh Legislature; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Real, by request:

S. B. No. 99, A bill to be entitled "An Act providing for the settlement of the claims of the Texas-Cherokee Indians, and their Associate Bands, for certain lands in East Texas ceded them by the Republic of Texas."

Read first time and referred to Committee on Finance.

By Senator Murphy:

S. B. No. 100, A bill to be entitled "An Act to amend an Act passed at the Regular Session of the Thirty-eighth Legislature, being Chapter 171 of the General Laws, passed by the Thirty-eighth Legislature and being 'An Act fixing in counties having a population in excess of one hundred and fifty thousand inhabitants, the compensation of district attorneys and providing for the appointment of assistant district attorneys, investigators, stenographers, deputies and other employees and providing for their salaries and the manner of their payment, and repealing all laws in conflict herewith, with exceptions, and declaring an emergency'; by providing that one of the seven assistant district attorneys authorized by the Act to be appointed shall receive a salary not to exceed four thousand eight hundred dollars per annum, instead of a salary not

to exceed three thousand six hundred dollars per annum, as provided in the Act amended, and two other of said assistants at salaries not to exceed three thousand six hundred dollars per annum each, instead of a salary not to exceed three thousand dollars per annum each, as is provided in the Act amended, all payable monthly by said counties, by warrants drawn from the general funds thereof; and declare an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

#### **Addition to Committee on Irrigation.**

The Chair, Lieutenant Governor Miller, without motion added the name of Senator Parnell to Committee on Mining, Irrigation and Drainage.

The Chair announced the conclusion of the morning call.

#### **S. C. R. No. 8.**

The Chair here laid before the Senate, as special order, S. C. R. No. 8, which was read in full.

Senator Murphy moved that the resolution be referred to Committee on Labor.

Senator Davis moved, as a substitute, that the resolution be referred to Committee on Constitutional Amendments.

Senator Stuart moved that consideration of the resolution be postponed indefinitely.

Senator Hardin of Kaufman moved to table the motion to postpone indefinitely.

Action recurred on the motion to table and the same was adopted by the following vote:

#### **Yeas—20.**

Berkeley.	Moore of Cooke.
Bledsoe.	Parnell.
Bowers.	Parr.
Davis.	Price.
Floyd.	Real.
Hardin of Erath.	Reid.
Hardin of Kaufman.	Russek.
Holbrook.	Ward.
Miller.	Witt.
Moore of Hunt.	Woodward.

#### **Nays—8.**

Fairchild.	Strong.
Murphy.	Stuart.
Pollard.	Triplett.
Smith.	Wood.

#### **Absent—Excused.**

Bailey.  
Lewis.

Wirtz.

Action recurred on Senator Davis' motion to refer the resolution to Committee on Constitutional Amendments, and he withdrew the motion.

Action recurred on the motion to refer the resolution to Committee on Labor.

The Chair, Lieutenant Governor Miller, explained that this being a resolution that was required, under the rules, to be referred to a committee, he would refer the same to the Committee on Constitutional Amendments.

#### **Senate Bill No. 7.**

The Chair laid before the Senate, on second reading,

S. B. No. 7, A bill to be entitled "An Act to adopt and establish a 'Penal Code' and a 'Code of Criminal Procedure' for the State of Texas."

On motion of Senator Ward the committee report providing that the bill "be not printed in bill form" was adopted.

The bill was read second time, and was ordered engrossed.

#### **Message from the House.**

Hall of the House of Representatives,  
Austin, Texas, January 21, 1925.

Hon. Barry Miller, President of the Senate:

Sir: I am directed by the House to to inform the Senate that the House has passed the following:

S. C. R. No. 10, A concurrent resolution "Inviting Hon. Calvin Coolidge to attend the West Texas Chamber of Commerce Convention."

H. C. R. No. 2, A concurrent resolution "Providing for a joint committee to make further investigations of State departments and institutions of this government."

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

The Chair, Lieutenant Governor Miller, referred, after its caption had been read, H. C. R. No. 2, to Committee on Finance (see caption above).

#### **S. B. No. 20—Re-referred.**

On motion of Senator Murphy, S. B. No. 20 was withdrawn from Committee on Criminal Jurisprudence and referred to Committee on Civil Jurisprudence.

**Adjournment.**

On motion of Senator Murphy the Senate, at 4 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

**NINTH DAY.**

Senate Chamber,  
Austin, Texas,  
Thursday, Jan. 22, 1925.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

**Absent—Excused.**

Bailey.	Wirtz.
Lewis.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday the same was dispensed with on motion of Senator Davis.

**Petitions and Memorials.**

The Chair, Lieutenant Governor Miller, had read a memorial from officers of the Farm Labor Union at Bonham, relative to the proposed tax on gasoline for highway building purposes, as well as a uniform tax on automobiles.

**Excused.**

On motion of Senator Holbrook, Senator Wirtz was excused for today on account of important business.

**State Railroad Managers Committee Report Adopted.**

Senator Fairchild moved to adopt the report of the managers of the State Railroad, which report was filed with the Senate on January 16

and printed in the Journal of that date, the same being the fourth day.

The motion to adopt the report prevailed.

See Appendix for Committee Reports, made today.

**Bills and Resolutions.**

By Senator Davis:

S. B. No. 101, A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two-year period beginning September 1, 1925, and ending August 31, 1927, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Parnell:

S. B. No. 102, A bill to be entitled "An Act regulating the manufacture and sale of ice; prohibiting the use of any impure water or any injurious chemicals or other injurious or impure ingredients in the manufacture of ice, and prohibiting discrimination in the sale of the same; providing for inspection by the State Health Department; requiring a license for its manufacture and sale; providing a penalty; and creating an emergency."

Read first time and referred to Committee on Public Health.

By Senator Holbrook:

S. B. No. 103, A bill to be entitled "An Act to amend Article 927, Title 22, Chapter 6, Revised Civil Statutes of 1911, so as to provide that the city council or commission of any city or town shall have power to levy and collect an annual poll tax, not to exceed one dollar, of every person between the ages of twenty-one and sixty years, resident within such city or town on the first day of January of each year (Indians not taxed, and persons insane, blind, deaf or dumb, or those who have lost one hand or foot, excepted), and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Fairchild:

S. B. No. 104, A bill to be entitled "An Act amending Article 650b of the Revised Statutes of Texas of 1895, as enacted by the Thirtieth Legislature, Acts 1907, page 294, being Subdivision 73, Article 1121, of